

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1965

Introduced by Assembly Member Yamada
(Coauthor: Senator Lieu)

February 19, 2014

An act to amend ~~Section~~ *Sections 113709 and 114259.5* of, ~~and to add Section 114259.6 to~~, the Health and Safety Code, relating to outdoor dining facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1965, as amended, Yamada. Outdoor dining facilities: pet dogs.

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. A violation of these provisions is punishable as a misdemeanor.

The code prohibits live animals from being allowed in a food facility, except under specified conditions if the contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result.

This bill would authorize a food facility to allow a person to bring a pet dog in outdoor dining areas *if specified conditions are satisfied*. The bill would authorize a city, county, or city and county to prohibit that conduct by ordinance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 113709 of the Health and Safety Code is*
2 *amended to read:*

3 113709. This part does not prohibit a local governing body
4 from adopting an evaluation or grading system for food facilities,
5 from prohibiting any type of food facility, from adopting an
6 employee health certification program, from regulating the
7 provision of consumer toilet and handwashing facilities, ~~or~~ from
8 adopting requirements for the public safety regulating the type of
9 vending and the time, place, and manner of vending from vehicles
10 upon a street pursuant to its authority under subdivision (b) of
11 Section 22455 of the Vehicle Code, *or from prohibiting the*
12 *presence of pet dogs in outdoor dining areas of food facilities.*

13 ~~SECTION 1.~~

14 *SEC. 2. Section 114259.5 of the Health and Safety Code is*
15 *amended to read:*

16 114259.5. (a) Except as specified in subdivision (b) ~~and~~
17 ~~Section 114259-6~~, live animals may not be allowed in a food
18 facility.

19 (b) Live animals may be allowed in any of the following
20 situations if the contamination of food, clean equipment, utensils,
21 linens, and unwrapped single-use articles cannot result:

22 (1) Edible fish or decorative fish in aquariums, shellfish or
23 crustacea on ice or under refrigeration, and shellfish and crustacea
24 in display tank systems.

25 (2) Animals intended for consumption if the live animals are
26 kept separate from all food and utensil handling areas, are held in
27 sanitary conditions, are slaughtered in a separate room designed
28 solely for that purpose and separated from other food and utensil
29 handling areas, and maintained in an area that has ventilation
30 separate from food and utensil handling areas.

31 (3) Dogs under the control of a uniformed law enforcement
32 officer or of uniformed employees of private patrol operators and
33 operators of a private patrol service who are licensed pursuant to
34 Chapter 11.5 (commencing with Section 7580) of Division 3 of
35 the Business and Professions Code, while those employees are
36 acting within the course and scope of their employment as private
37 patrol persons.

1 (4) In areas that are not used for food preparation and that are
2 usually open for consumers, such as dining and sales areas, service
3 animals that are controlled by a disabled employee or person, if a
4 health or safety hazard will not result from the presence or activities
5 of the service animal.

6 (5) Pets in the common dining areas of restricted food service
7 facilities at times other than during meals if all of the following
8 conditions are satisfied:

9 (A) Effective partitioning and self-closing doors separate the
10 common dining areas from food storage or food preparation areas.

11 (B) Condiments, equipment, and utensils are stored in enclosed
12 cabinets or removed from the common dining areas when pets are
13 present.

14 (C) Dining areas including tables, countertops, and similar
15 surfaces are effectively cleaned before the next meal service.

16 (6) In areas that are not used for food preparation, storage, sales,
17 display, or dining, in which there are caged animals or animals
18 that are similarly restricted, such as in a variety store that sells pets
19 or a tourist park that displays animals.

20 (7) If kept at least 20 feet (6 meters) away from any mobile food
21 facility, temporary food facility, or certified farmers' market.

22 (c) Those persons and operators described in paragraphs (3) and
23 (4) are liable for any damage done to the premises or facilities by
24 the dog.

25 (8) *Pet dogs under the control of a person in an outdoor dining*
26 *area if all of the following conditions are satisfied:*

27 (A) *The owner of the food facility elects to allow pet dogs in its*
28 *outdoor dining area.*

29 (B) *A separate outdoor entrance is present where pet dogs enter*
30 *without going through the food establishment to reach the outdoor*
31 *dining area and pet dogs are not allowed on chairs or tables.*

32 (C) *The outdoor dining area is not used for food or drink*
33 *preparation or the storage of utensils.*

34 (D) *Food and water provided to pet dogs shall only be in*
35 *single-use disposable containers.*

36 (E) *Food employees are prohibited from having direct contact*
37 *with pet dogs while on duty.*

38 (F) *If a pet dog deposits excrement or other bodily fluids, an*
39 *employee shall immediately clean and sanitize the affected areas.*

1 (G) *Other control measures approved by the enforcement*
2 *agency.*

3 (d) Live or dead fish bait may be stored if contamination of
4 food, clean equipment, utensils, linens, and unwrapped single-use
5 articles cannot result.

6 ~~SEC. 2. Section 114259.6 is added to the Health and Safety~~
7 ~~Code, to read:~~

8 ~~114259.6. (a) A food facility may permit a person to bring a~~
9 ~~pet dog on to the food facility's outdoor dining areas.~~

10 ~~(b) A city, county, or city and county may by ordinance prohibit~~
11 ~~a food facility from allowing a person to bring a pet dog to the~~
12 ~~food facility's outdoor dining area.~~